United Nations CERD/C/ISL/21-23

International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
29 August 2018

Original: English
English, French and Spanish only

Committee on the Elimination of Racial Discrimination

Combined twenty-first to twenty-third periodic reports submitted by Iceland under article 9 of the Convention, due in 2013*

[Date received: 10 July 2018]

* The present document is being issued without formal editing.

GE.18-14229(E)

1814229

Please recycle

Introduction

1. This is the combined twenty-first, twenty-second and twenty-third periodic reports of the Government of Iceland on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, submitted under Article 9 of the Convention. The report was prepared in accordance with the General Guidelines regarding the form and contents of reports to be submitted by States parties, adopted by the Committee on the Elimination of Racial Discrimination (CERD/C/70/Rev.5). It contains information on the legislative, judicial, administrative and other measures Iceland has adopted since the submission of its previous reports which give effect to the provisions of the Convention. In particular, the report addresses the issues raised in the concluding observations of the Committee on the Elimination of Racial Discrimination adopted after the consideration of Iceland's combined nineteenth and twentieth periodic reports (CERD/C/ISL/20) at its seventy-sixth session in March 2010 (CERD/C/ISL/CO/19-20).

I. General

2. Regarding general information on Iceland and its people, general political structure and general legal framework under which human rights are protected, reference is made to the core document concerning Iceland (HRI/CORE/1/Add.26 of 24 June 1993). In this connection, however, it should be noted that various changes have taken place since Iceland submitted the above-mentioned document. Reference is also made in this respect to the general observations in Part I of Iceland's fourteenth report to the Committee (CERD/C/299/Add.4). The core document is currently being updated and a new version will be submitted before the end of 2018.

A. Demographic, economic, social and cultural characteristics of the State

3. Iceland is an island in the North Atlantic Ocean, located between Greenland to the west and Great Britain to the south east. At 103.000 sq km it is the second largest island in Europe. Almost 80% of Iceland is uninhabited and it is the least populated country in Europe (the lowest population density in Europe). The population is concentrated on the lowlands in the southwest and along the coastline.

4. **Population**: The population growth in Iceland became negative in 2009 (0.55%) and continued to do so until 2013. The population of Iceland was 348,580 by the end of 2017 which represents a population growth of almost 3% from 2016. In 2016, 4,034 children were born. Life expectancy in Iceland was 80,7 years for men and 83.7 years for women in 2016. 2,309 persons died in 2016, 1,197 men and 1,112 women. The mortality rate was 6.9 per 1,000 inhabitants and the infant mortality rate was 0,7 per 1,000 live births.

5. **Population by age**: In recent years and decades, the age distribution of Icelanders has changed considerable. The number of children has decreased proportionally, and number of older people increased and the number of working age population has remained unchanged. Foreign nationals, most aged 20–39 years, have filled the gap of a proportionally small Icelandic age groups.

6. **Migration**: In 2009, the number of people who emigrated from Iceland exceeded those who immigrated by 4.835 but in 2016 those who immigrated exceeded those who emigrated by 4069.

7. **Foreign citizens and immigrants**: Foreign citizens were 30.275 or 8.9% of the population in 2017. Since 2012, the percentage of foreign citizens has increased from 6.6% to 8.9% of the total population. This is a major change from the year 2000 when foreign citizens were 2.6% of the population. The total percentage of foreign citizens, including second generation immigrants, was 10.8% of the population on 1 January 2016. More detailed information about foreign citizens and immigrants will be given in Chapter I.D.

8. **Fertility rate**: Women's fertility in Iceland is less than ever before and fewer children were born 2016 than in 2015. The number of born children remained unchanged between 2016 and 2017. The average age of women who are having their first child continues to rise and was 27.8 years in 2017. In 2016 4.034 children were born in Iceland but in 2015 4.129 children were born. A total of 2.042 boys and 1.992 girls were born, equivalent to 1.025 boys against every 1.000 girls.

9. **Social, economic and cultural status**: In 2016, Gross Domestic Product (GDP) increased by 7.4%. In 2015, GDP increased by 4.3% and by 2.1% in 2014. According to Statistics Iceland, the economic growth in 2016 is mainly driven by a large increase in the gross domestic final expenditure, which increased by 8.9%. The number of persons in the labour force in the 3rd quarter of 2016 was 199,500, an activity rate of 84.5%. The number of employed persons was 194,300 (82.3%) while unemployed persons were 5,200 (2.6%). The unemployment rate among females was 2.9% and 2.3% among males. The number of unemployed persons decreased by 1,500 from the 3rd quarter of 2015 and the unemployment rate fell by 0.9 points. In 2016, the gross national income was 2,472,966. Between the years 2011 and 2016 the growth rate of gross national income was 6.7 per capita.

10. Most children in Iceland enjoy good well-being conditions. However, in 2015, 11.6% of Icelandic children lived in households with no employed adult. The rate of infant mortality is the lowest of the OECD countries, but 15.5% of Icelandic children report their health as fair or poor in 2015. The reading skills of Icelandic students lie below the OECD average level. However, Icelandic children enjoy a very good social and family environment, most students agree that their classmates are kind and helpful and most students report that they like school. The life satisfaction of Icelandic children is among the highest in the OECD.

11. **Political system**: Iceland is a unitary parliamentary republic. The President is directly elected and serves as head of state. The head of government is the Prime Minister who is responsible for executive government. Parliamentary elections were held on October 29th, 2016. Elections were then again held on October 28th, 2017. In 2016, the voter turnout was 79.2%, the lowest turnout in the history of the Icelandic Republic. In 2017 the voter turnout was slightly better, or 81.2%. 11 political parties ran for office and due to the electoral system in Iceland, 8 of the parties are now represented in Alþingi, the Icelandic Parliament, the highest number of parties in Icelandic history. Out of 63 members of Parliament, 24 are women, or 38%.

12. **Infant and maternal mortality rates**: Over a 10 years period, 2008–2017, the average infant mortality in Iceland was 1.8 of 1000 live births. In 2017, the infant mortality rate was 2.7 children per 1000 live births.

B. National legal framework

13. Fundamental changes were made to the human rights section of the Icelandic Constitution by the Constitutional Act No. 97/1995. An important aspect of this was the inclusion in the Icelandic Constitution of the principle of equality now contained in Article 65 (1), the main basis of legal protection against ethnic or racial discrimination. Under the Article, everyone is equal before the law and enjoys human rights irrespective of gender, religion, opinion, ethnic origin, race, colour, property, family origins or other status. The second paragraph stipulates specifically that men and women are to enjoy equal rights. The equality principle applies to all persons, both Icelandic and foreign nationals, who are within the jurisdiction of the Icelandic state. Not only is the legislature obliged to observe the principle of equality as defined in the Constitution when passing legislation; the principle also imposes restraints on the executive authority when issuing regulations and resolving individual cases. The first paragraph of Article 65 of the Constitution is modelled on Article 14 of the European Convention on Human Rights and Article 26 of the United Nations Covenant on Civil and Political Rights. Article 65 has had a noticeable impact on Icelandic case law and several important judgements have been rendered in recent years on

its basis. Reference is made in this respect to Iceland's sixteenth periodic report (CERD/C/384/Add.1, para. 3).

14. As stated in Iceland's earlier periodic reports, The European Convention on Human Rights was incorporated into Icelandic law by the Act No. 62/1994; its provisions can thus be directly invoked in court as domestic legislation. Under Article 14 of the Act, the rights and freedoms listed in the Convention are guaranteed without discrimination on grounds such as gender, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status.

15. Since the submission of the last periodic reports, the Convention on the Rights of the Child has been incorporated into Icelandic law by the Act No. 19/2013; its provisions can thus also be directly invoked in court as domestic legislation. Under Article 2 of the Act, the rights and freedoms listed in the Convention are guaranteed to all children within the country's jurisdiction, without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

16. Article 4 of the European Free Trade Association Agreement (EEA) which has the power of law by Act No. 2/1993, provides for a prohibition of any discrimination on grounds of nationality. This overriding legal principle is of a great importance as Iceland is a part of the internal market of the European Union and a large part of law related to economic activity is derived from EEA Acts.

17. The principle of equality is implemented through several national acts of law. Article 11 of the Administrative Procedure Act, No. 37/1993, states that administrative authorities are to ensure legal harmony and equality when taking decisions, and that any discrimination between individual parties based on views their gender, race, colour, national origin, religion, political opinion, social status, family origins or any other similar considerations is prohibited. Article 44, (2) of the Local Government Act No. 138/2011 states that in submission of candidate lists in proportional elections when two or three representatives are to be elected to a committee in local governments, there shall be at least one of each gender on the list. If four or five representatives are to be elected, at least two of each gender shall be on the lists etc. If greater numbers (9) are to be elected to a committee, the list shall consist of at least 40% of each gender. Furthermore, Article 24 of the compulsory School Act No. 91/2008 provides that in issuing a general curriculum and organising studies and tuition, and in preparing and selecting study material, particular care is to be taken that all students receive equal opportunities for study. The objectives of study, tuition and practices in compulsory schools are to be defined so as to prevent any discrimination on account of origin, gender, sexual orientation, residence, social class, religion, disability or other status. Under Article 1 (2) of the Patients' Rights Act, No. 74/1997, all discrimination between patients on grounds of gender, religion, opinion, ethnic origin, race, colour, property, family origins or other status is prohibited. The Postal Service Act, No. 19/2002, also provides that postal services are to be provided without discrimination of any kind, in particular of a political, religious or ideological nature. In this context it is also worth noting that the principle of equality is also to be found in, for example, Article 24 in Act No. 10/2008, of equal status and equal rights for women and men, Article 1 in Act No. 59/1992 on the issues regarding disabled persons, Article 1 Act No. 125/1999 on the issues regarding Senior Citizens and Act No. 65/2006 regarding the legal status of homosexual (cohabitation, adoption, artificial insemination).

18. The Constitutional Act No. 97/1995 also introduced into Article 66 (2) of the Constitution, according to which the rights of foreigners to enter and reside in Iceland, and the reasons for which they may be expelled, are to be laid down by law. In the explanatory notes accompanying the legislative bill, it was stated that the legislature had a duty to ensure that the administrative authorities could not exercise powers of decision in this field in the absence of clear conditions provided for by law. Thus, the provision is aimed at guaranteeing security under the law for foreign nationals who come to Iceland. The legislature has a certain margin available to determine the contents of such rules; nevertheless, certain limits are imposed by the principle of equality stated in Article 65 of the Constitution and the international obligations which Iceland has undertaken. Article 74 of the Constitution provides for the temporary prohibition of the activities of a society with

an unlawful objective; an action must then be brought before a court, without undue delay, to have it dissolved by a court judgement. Organisations with racial hatred as part of their policies would for example come under this provision.

C. International instruments relating to human rights

19. As stated in the last periodic reports, Iceland has ratified several international instruments relating to human rights in recent years. The Council of Europe Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine and the Additional Protocols to the above-mentioned Convention on the Prohibition of Cloning Human Beings and Transplantation of Organs and Tissues of Human Origin were ratified on 12 October 2004. The European Convention on Cybercrime was ratified on 29 January 2007. Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances, was signed on 3 May 2002 and ratified on 10 November 2004. Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention, was signed on 13 May 2004 and ratified on 16 May 2005.

20. Iceland has also signed several human rights agreements since the last periodic reports. The Convention on the Rights of Persons with Disabilities and its Optional Protocol was signed on 30 March 2007. A two-year plan was agreed upon in the Alþingi in 2012 in order to prepare the implementation of the Convention and Protocol. A parliamentary resolution was adopted on 23 September 2016, allowing the Icelandic government to ratify the Convention. In the same parliamentary resolution Alþingi concluded that the Optional Protocol should also be ratified by the end of year 2017. However, it is still in process. The Additional Protocol to the Convention on Human Rights and Biomedicine, concerning Biomedical Research, was signed on 25 January 2005. The Council of Europe Convention on the Prevention of Terrorism, the Council of Europe Convention on Action against Trafficking in Human Beings and the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism were all signed on 16 May 2005. The necessary legal amendments and other measures needed for ratification of the above signed instruments are now under preparation. The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) was ratified in Iceland in April 2018. Iceland signed the Convention on 11 May 2011 but the first stage of ratification of Convention was reached in March 2016 when Act No. 23/2016 came into force, with the necessary amendments to the Criminal Code, no. 19/1940, Act No. 25/1975, on counselling and education regarding sex and childbirth and on abortion and sterilization measures, and Act no. 88/2008 on Criminal Procedure. The Icelandic government is currently in the process of ratifying the UN Optional Protocol of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). In the light of this, a proposal to amend the Act on the Parliamentary Ombudsman was put forward in the spring of 2018. It is expected that it will be accepted by fall of 2018, making the Parliamentary Ombudsman the National Prevention Mechanism (NPM) under the optional protocol which will subsequently be ratified. Funding has already been provided and the Parliamentary Ombudsman has begun to prepare for the role.

D. Foreign nationals living in Iceland

21. As stated in the last report submitted by Iceland and in part IA of this rapport there was a substantial increase in the number of foreign nationals living in Iceland up until 2008. In the beginning of 2009, more than 24 thousand foreign nationals were registered in Iceland. In the wake of the economic recession their number reduced significantly, but the immigrant population is now increasing again. In 2010, the number had decreased to 21,701 foreign nationals. The number kept decreasing in 2011 and 2012, however, not to the same extent. In 2013 and 2014 the number of foreign nationals started increasing again. In 2014 foreign nationals residing in Iceland totalled 22.744 people, accounting for 7.0% of

the total population. This development continued and in 2017 foreign citizens were 30.275 or 8.9% of the population.

Table 1
Number and proportion of foreign nationals in the Icelandic population 2009–2016

	Number	*Percentage*
2009	24.379	7.6
2010	21.701	6.8
2011	21.143	6.6
2012	20.957	6.6
2013	21.446	6.7
2014	22.744	7.0
2015	24.294	7.4
2016	26.485	8.0
2017	30.275	8.9

Source: Statistics Iceland.

22. On 1 January 2017, polish nationals were the largest group of foreign nationals, 13.771 people or 38.3% of the immigrant population. The second most populous nationality is Lithuanians, accounting for 5.2% of the immigrant population, followed by Philippine nationals who account for 4.5% of the immigrant population. Polish men make up for 42.3% of all male immigrants, 7.839 out of 18.552. Lithuanian men are the second most populous of male immigrants, accounting for 5.8% of male immigrants, with British men being the third most populous, accounting for 3.2% of male immigrants. Polish women make up for 34.0% of female immigrants, followed by Philippine women, who account for 6.2% of female immigrants, and women from Thailand, 4.7% of all female immigrants.

Table 2
Population by place of birth and citizenship 2009–2017

	2009	*2010*	*2011*	*2012*	*2013*	*2014*	*2015*	*2016*	*2017*
Total	**319.368**	**317.630**	**318.452**	**319.575**	**321.857**	**325.671**	**329.100**	**332.529**	**338.349**
Iceland	281.806	282.509	283.743	284.904	286.420	288.441	289.879	290.509	291.834
Other countries	37.562	35.121	34.709	34.671	21.446	35.437	39.221	42.020	46.515
Foreign citizenship	24.379	21.701	21.143	20.957	21.446	22.744	24.294	26.485	30.275
Stateless	0	0	0	0	0	0	0	2	0

Source: Statistics Iceland.

23. Between 2013 and 2014 the gender ratio among foreign nationals evened out from the year 2007. The biggest gap was in 2008, when there were just over 5.000 more men. The reason for this can mainly be attributed to the strong demand for labour workers, e.g. in the construction industry. At the beginning of 2017 there were 1.063 male immigrants to every 1.000 female immigrants. The largest age group of foreign citizens and immigrants is between the ages of 21 and 45 years old.

24. Although the second generation of immigrants is still a relatively small part of the population, their number has increased a lot over the past 13–16 years. In 1998 there were only 387 persons who were defined as second generation immigrants. In the beginning of 2017 they were 4.473. The vast majority of second generation immigrants are children aged 0–5 years old. In 2015, 801 people were granted Icelandic citizenship, 483 women and 318 men. This is a significant increase from the year before when 595 people were granted Icelandic citizenship. In 2016, 703 people were granted Icelandic citizenship, 292 men and 411 women.

25. Immigrants of working age (first and second generation aged 18 years and older) were at the beginning of 2016 about 26,900. 17,740 were in the labour market according to figures from the Directorate of Labour. The vast majority were Poles, about 7,690 or 43% of foreign workers. A total of 9.3% of workers on the labour market were of foreign origin. In 2015, there had been a 20% increase from the year 2012. The proportion between men and women has been very similar for the past few years. In 2014, 7.3% were men and 8,1% women. In 2015, 19.4% of those who were unemployed were immigrants.

E. Government policy on foreign nationals

26. A new legislation on immigration and asylum, Act on Foreigners No. 80/2016, entered into force on January 1, 2017. The main aim of the legislation was to ensure humanity, equality and efficiency in the Icelandic administrative system and to adjust the legislation to the highest international standards.

27. According to the new legislation any decision must take account of and match the needs of Icelandic society in terms of economic growth, increased demand for the country's competitiveness and reinforce the humanitarian and legal protection of those who come here to Iceland. The new legislation was considered to be crucial to, inter alia, strengthen procedures and administrative efficiency and focus on the provisions of family reunification and children's rights.

28. It's important to make a clear distinction between refugees on the one hand and on the other hand people who have other reasons for wanting to move to Iceland, such as employment, study or family reunification. Iceland is bound by international treaties on refugees and human rights and also by international cooperation in terms of immigrants, in particular the Nordic cooperation that has years of tradition, the agreement of the European Free Trade Association (EFTA) and the Agreement between EFTA and the EU (EEA) which provides single employment area for 30 European countries.

29. According to the Act on Foreigners it is proposed that a reception center will be established for applicants for international protection. Efforts will be made to identify those who are particularly vulnerable and meet their needs. In the center cooperation of various parties must take place such as, the Directorate of Immigrants, the police, the child welfare, the health welfare etc. The idea behind the reception center is that applicants for international protection can get the necessary professional service at one place, including medical services.

30. A parliamentary resolution was approved by Alþingi in the autumn of 2016 about an action plan on immigrant issues for the years 2016–2019. According to the action plan, the aim is to ensure equal opportunities for all citizens, regardless of individual characteristics and circumstances. For this purpose, focus has been put on five pillars:

(1) *Society*. Icelandic society should be family-friendly, all citizens having equality of opportunity and enjoying legally-protected entitlements. Cohesion of society as a whole should be promoted through equal access to participation in society for everyone, with all people aware of their rights and obligation;

(2) *The family*. Icelandic society should take account of the needs of dissimilar family types. The community should create good conditions, on a par with the best to be found anywhere, for all families, not least those with children, independent of their nationality and origin, and support them in tackling the tasks they face;

(3) *Education*. Immigrants should equal standing and real equality of opportunity regarding education. Particular attention should be given to immigrants' education. Educational evaluation should be efficient, and efforts should be made to make a substantial reduction in the drop-out rate of immigrants from education;

(4) *The labour market*. Measures should be taken to ensure that the diversity of people's backgrounds should result in a better and more competitive labour market. Priority should be given to having immigrants' talents and efforts being utilised in

jobs in the public sector, no less than in the private, for the benefit of the whole community;

(5) *Refugees.* Icelandic society should assist and provide international protection to those individuals who are in need of such protection. Attention should be given immediately to the extensive changes that are taking place globally and the impact they have on Icelandic society. For more information regarding refugees in Iceland, see chapter I.G.

31. The resolution also states that the government will work on accessibility for immigrants to public service institutions both within the state and local governments and that the service of the institutions will meet the needs of the society. In addition, focus will be placed on measures to promote the active participation of the immigrants in society. The aim of the action plan is that immigrants will have easy access to public services. The aim is also to promote professional knowledge of staff on cultural sensitivity and skill. To this end a working group will be established to prepare training for staff in the service institutions and experts in local service, such as social workers, nurses, teachers and the police.

32. 1 September 2018, two bills will enter into force, regarding 1) equal treatment in employment and 2) on equal treatment regardless of race or ethnic origin. The aim of these two bills is to combat discrimination and to establish and maintain equal treatment of individuals in and outside the labour market, regardless of race, national origin, religion, philosophy, disability, occupational disability, age, sexual orientation, gender identity, gender expression or sex characteristics. According to these legislative any discrimination in the labour market, whether direct or indirect, is strictly prohibited. The former proposal is considered to be in accordance with the principle of the observance of general equality in the labour market, but all people should have equal opportunity to develop their skills and enjoy their own dynamism on the labour market regardless of the factors mentioned here above. Regarding the latter bill the main goal is to fight against discrimination and promoting and maintaining equal treatment of individuals in all areas of society except the labour market regardless of race or ethnic origin. Any direct or indirect discrimination based on racial or ethnic origin is prohibited. This is considered important *inter alia*, to make it possible to promote the active participation of the majority in Icelandic society, regardless of race or ethnic origin. It is thought to be important that the information on this field is communicated to the public to a greater extent, but it is also thought to be important to promote specific ways that can promote equal treatment and equality in the society. Regardless, the main principles of these bills are deeply rooted in Icelandic legislation and society, i.e. Art. 65. Of the Icelandic Constitution and Art. 180 of the General Penal Code No. 19/1940. With these bills two European Council Directives on equal treatment, 2000/78EC and 2000/43, will be fully implemented into Iceland legislation.

F. A comprehensive revision of the Foreign Nationals Act

33. The new Act on Foreigners seeks to clarify and simplify the conditions of residence permits and the rights of foreigners, for example regarding the right to work, and to be granted permanent residence permit. Special emphasis is put on the right of the child according to the Convention on the Rights of the Child and a special chapter on residence permits on the grounds of family reunification is introduced. The legislation makes significant changes that contribute to the harmonization of those laws and policies relating to foreigners.

34. The new Act on Foreigners brings considerable changes to the section of the Act which deals with international protection. Changes are brought to the use of terms. The terms international protection and applicants for international protection are used instead of the words asylum and asylum seekers. This is in line with the changes taking place internationally and is considered to reflect the issue better.

35. Secondly, the legislation brings changes intended to ensure that the Icelandic government meets its international obligations, including those of the United Nations Convention on Statelessness, the Convention on the Rights of the Child and the Council of

Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention). The new Act also introduces necessary amendments to ensure compliance with the 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

36. The new legislation provides that the processing of an application for international protection at the administrative level should generally not take longer than six months, a maximum of 18 months if cases are being assessed materially and 12 months when deciding whether cases should receive material assessment.

37. Important changes are brought regarding service for applicants of international protection. Based on an agreement with the Ministry of the Interior (now, the Ministry of Justice), the Icelandic Red Cross provides legal assistance to asylum seekers and looks after their interests. The purpose of such service is to promote the welfare and social structure of applicants for international protection and to increase efficiency and quality within the system as a whole.

G. Measures regarding refugees

38. Article 9 of the Act on Foreigners provides for a Refugee committee. The provision is new, although such a committee has been working in Iceland in various ways since 1956 when Iceland welcomed for the first time a group of refugees. The **Refugee Committee** was established in 1996 by the Government of Iceland and since then the State has overseen the reception of refugees. The Refugee Committee is the consultative body on quota refugees. The Ministry of Welfare, through the Icelandic Refugee Committee, is responsible for the selection, admission and integration of refugees in Iceland while working in close cooperation with other ministries concerned. The Icelandic Refugee Committee is comprised of members from the Ministry of the Justice, the Ministry of Welfare, the Ministry of Foreign Affairs and furthermore the Red Cross of Iceland, Directorate of Immigration and Icelandic Association of Local Authorities are observers in the committee. The committee works in accordance with the provisions of the Act on Foreigners which stated that the Directorate of Immigration should authorize the reception for groups of refugees to the country in accordance with the government's decision on a proposal from the Refugee Council of Iceland.

39. The task of the committee is, among other things, to consult with the government on overall policy and the organization of the receipt of refugee groups, supervise the receipt and provide the government feedback on individual cases as requested. The main task of the committee is to submit proposals to the government in consultation with the UNHCR of the receipt of quota refugees and have supervision with assistance and service to them. Before a decision is made, the Directorate of Immigration shall formally consider each case and confirm that there are no deficiencies to providing the individuals protection in Iceland.

40. As has already been mentioned, one of the pillars of the Action Plan for Immigration for the years 2016–2019 regards refugees. According to the Action Plan more emphasis is to be placed on granting refugees the necessary assistance to process the traumas that they have had to go through as well as give them the chance to actively participate in the society, whether in the labour market, education or in other fields. The emphasis is on helping people settle in the country, both refugees who come through the UNCHR and those who enter the country by other means. The action plan also aims to coordinate and improve the reception of refugees after asylum proceedings and offer every refugee education and consultation on their rights and obligations, including basic information about Icelandic society, including information on employment opportunities, housing, the Icelandic language and education in general. To achieve this, special educational materials will be prepared in various languages for the refugees. In addition, the action plan stipulates that a study should take place to measure the status and well-being of the refugees so that better information is available, so policies will be more effective. Finally, the aim is enable refugees to enter the labour market as soon as possible after their arrival to the country.

H. Number of asylum seekers and services provided

41. Out of 35 applications for asylum in 2009, 7 were turned down, 6 applicants were granted residence permits on humanitarian grounds, 5 applicants were granted asylum, 17 were returned to another European state on the basis of the Dublin regulation and 8 applicants went missing or withdrew their applications. 14 applications were still being processed by the end of 2009. Of 51 applications in 2010, 15 were turned down, 6 were granted residence permits on humanitarian grounds, 4 were granted asylum, 9 were returned to another state according to the Dublin regulation and 11 applicants went missing or withdrew their applications. 22 applications were still being processed by the end of 2010. Of 76 applications in 2011, 8 were turned down, no one was granted a residence permit on humanitarian grounds, 13 applicants were granted asylum, 26 were returned to another state on the basis of the Dublin regulation and 6 applicants went missing or withdrew their applications. 43 applications were still being processed by the end of 2011. Of 118 applications in 2012, 13 were turned down, no one was granted a residence permit on humanitarian grounds, 5 applicants were granted asylum, 41 were returned to another state according to the Dublin regulation and 23 applicants went missing or withdrew their applications. 80 applications were still being processed by the end of 2012. Of 172 applications in 2013, 110 were turned down, 1 applicant was granted a residence permit on humanitarian grounds, 11 applicants were granted asylum, 59 were returned to another state according to the Dublin regulation and 25 applicants went missing or withdrew their applications. 56 applications were still being processed by the end of 2013.

42. The Directorate of Immigrants received 175 applications for asylum in 2014, applications were received from 45 countries, the majority from Albania and thereafter from Ukraine, Iraq and Russia. The vast majority of applicants were men, or 62%. In 2014 the Directorate of Immigrants handled 131 applications, of them 74 applications were processed on their merit and 57 applications were processed on the basis of the Dublin regulations. 31 applications were refused, 10 were granted humanitarian residence permit, 33 were granted asylum and 22 were missing or withdrawn. It's right to point out that applications for asylum have increased significantly from the previous years, but in 2009 there were only 35.

43. In 2015, 82 applicants of 26 nationalities were granted asylum or other kind of protection, most of them from Syria or 17 in total. Applicants for asylum were 354 in total, most of them from Albania. This is double the number of applicants compared to the year before when 176 applied for asylum. In 2015, 82 applications were not processed on the grounds that applicants had already been granted a residence permit in another state or another application of theirs was being processed in another state. 47 applicants withdrew their applications or went missing. Out of 194 applications processed in 2015, 82 applicants were granted asylum, 16 applicants were granted a residence permit on humanitarian grounds and 112 were turned down.

44. In the first five months of 2018, 235 people from 41 states applied for asylum. 337 applications were processed, and 59 applicants were granted asylum and 2 got residence permit due to humanitarian issues, most of them from Iraq or 15 in total. 107 applicants were denied, 90 applicants were returned to another state according to the Dublin regulation, 218 were turned down on the grounds that they had already been granted protection in another state and 61 withdrew their application.

45. Applications for asylum were 1.096 from 60 states in 2017 and decisions made by the Directorate of Immigrants were 1.293. Most applicants came from Georgia, 289 and the second most from Albania, 262. 135 applicants were granted asylum, most of them from Iraq or 38 in total. 322 applicants were denied, 235 were returned to another state according to the Dublin regulation. 38 were turned down on the grounds that they had already been granted protection in another state and 563 applications had different conclusion.

I. Measures regarding victims of human trafficking

46. In 2003, Article 227(a) was added to the General Penal Code. The provision contains an independent definition of trafficking as a criminal act, based on Article 3 of the Palermo Protocol. The provision was again amended in 2009, to be more in accordance with the wording of Article 3 of the Protocol, as well as Article 4 of the European Convention. The European Council Convention on Action against Trafficking in Human Beings was signed by Iceland in 2005 and was ratified in 2012.

47. Article 75 of the Act on Foreigners stipulates that possible victims of human trafficking can be issued a temporary residence permit for nine months. Same applies if the victim has a child and the child is in the country with the victim. The provision is similar to Article 13 of the Council of Europe Convention on Action Against Trafficking in Human Beings and also fulfils commitments Article 10(2) of the Convention and Article (1) in the Palermo Protocol. It is important that victims have an opportunity to recover and escape from the influence of those who are engaged in human trafficking and the provision is intended to promote that. It is intended to promote that the victims can make informed decisions on cooperation with authorities. This provision is not intended to influence the investigation and prosecution of the offenses in question, which means that the decision of the victim to cooperate with the authorities to inform on the violation does not preclude their obligation under law to testify in the case.

48. An application for a residence permit for victims of trafficking can be transmitted to the Directorate of Immigration, whether from the potential victim or by other ways, such as through the police or other parties involved in trafficking cases such as a specialist and coordination team on human trafficking. The coordination team was established in accordance to a provision of an action plan against human trafficking in Iceland, which was adopted in early March 2009. It should be noted that a new action plan against human trafficking in Iceland will hopefully be adopted in 2019.

49. The Ministry of Interior (now Ministry of Justice) has established a consultation forum (a steering committee), made up by relevant stakeholders to consult and cooperate on development and implementation of anti-trafficking policy. Participants in the forum are from the Ministry Justice, Ministry of Welfare, the National Police Commissioner, the Directorate of Immigration, from the social services of Reykjavik, the Human Rights Centre, trade unions and the Red Cross (from spring 2016).

50. The main focus of the group has been awareness raising for professionals regarding Trafficking in Human Beings (THB), the identifiers and what can be done to assist possible victims. An education team with representatives from police, social services, Ministry of Welfare and Federation of General and Special workers in Iceland, was formed in the spring of 2014. Educational programs have been held regionally for police officers, health care workers, social workers and labour inspectors to boost local cooperation. Education has also been provided to border guards, staff at the Directorate of Immigration and Directorate of Labour, children services, labour unions, hotel staff and many others. By the end of 2016 the education team had provided education for over 2000 people. The Ministry of Welfare and The Women's Shelter in Iceland signed an agreement in December 2014 an agreement to ensure all female victims are provided with a temporary save-house. The Human Rights Office provides the victims with free legal assistance.

51. According to the action plan, the Ministry of Welfare was responsible for the implementation of three actions. In order to ensure their progress, two teams were formed:

(1) Cooperation and coordination team with representatives from the Ministry of Welfare, Primary Health Care, the Ministry of Interior, The Women's Shelter, the State Hospital, the Reykjavík Metropolitan Police, the Icelandic Human Rights Centre, the Human Rights Centre of Reykjavík Municipality, the Ministry of Education, Science and Culture, Stígamót — Education and Counselling Centre for Survivors of Sexual Abuse and Violence, the Directorate of Immigration, the Department of Welfare Services of Reykjavík Municipality and the Directorate of Labour. The main task of the team is to have an overview of the situation regarding provision of welfare services to victims of THB and lay out a general process when

a victim is identified. The team meets about twice a year and exchanges information about the service provided for victims of THB and their thoughts about the welfare system in general with the emphasis of improving services for victims of THB;

(2) Operational team consist of representatives from the Ministry of Welfare, Primary Health Care Center. The Women's Shelter, the Reykjavík Metropolitan Police, the Human Rights Centre of Reykjavik Municipality and the Department of Welfare Services of Municipality Reykjavík. The team is called together Ad-Hoc concerning individual cases to ensure the provision of welfare services to the victim, with the permission of the victim. The aim of the information gathering is to provide the victim with the best of service. All stakeholders concerned are invited by the Ministry of Welfare to attend the meetings of the operational team.

52. In the last two years authorities have put a greater focus on labour exploitation. Close knit cooperation between police, tax authorities and labour inspectors on work site inspections, where conditions are inspected as well as rights of workers and possible forced labour, has been established. A human trafficking team has been formed at the Directorate of Labour and work procedures put in place. Specific measures at the Directorate of Labour include increased awareness of employees, increased cooperation with other government agencies i.e. the police departments in Iceland, tax authorities and trade unions, review of the process of work permits, temporary work agencies and posted workers cases are handled. Increased cooperation between supervisory bodies with special focus on social dumping and inspectors have had some training on how to spot possible trafficking cases. The Metropolitan Police has made some changes to their investigation units and added an investigation unit focused on human trafficking and prostitution. They have also set up a special email address for tip offs or inquiries about possible human trafficking. It will be coordinated through the consultation forum based on the experience built in the last few years taking into account the proposals to Iceland by the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA). A new government was formed in 30 November 2017 following elections in October 2017. One of the issues raised in the government's agenda is that victims of THB shall be provided with the necessary legal protection and support.

53. One of the issues that the next action plan will tackle is a national referral mechanism which will also help with data collection. There is no national data collection in place. The police have however made changes to their systems to register better possible cases of THB. There have been 11 victims registered in the database of the Ministry of Welfare since August 2015. Before that the Ministry did not have a special database for those victims. Of those 11 cases there were 8 women.

54. The protection and service for a victim of human trafficking has been assessed case by case. The police, specialists by the social service or other stakeholders report possible victims to the Ministry of Welfare. The Ministry of Welfare hosts an operational team with the stakeholders that are in contact with victims of human trafficking. The operational team is called together whenever a suspicion of THB arises and the goal is to provide individual victims of human trafficking relevant welfare service. The team has multidimensional approach with specialists from different fields in order to ensure comprehensive welfare service on a case by case basis. The Child Protection Agency is always informed if there is a child involved with an adult that is a possible victim of human trafficking. If a child is thought to be trafficked it would always be put under the care of the child protective services.

55. The aim is to train specialist at local service to identify possible victims and specialise in providing them with service. Bjarkarhlið is a new multidisciplinary pilot project which was established on February 1st, 2017. It is a Service centre for adult victims of violence. It is built on an American Model, Family Justice Center, were the goal is to provide survivors of violence with necessary support at one location. Social Workers, Police officers and NGO's provide counselling and support. Bjarkarhlíð is cooperation between the Ministry of Welfare, The Ministry of Justice, the city of Reykjavík, The Metropolitan Police, the Women's' shelter, the human rights office of Iceland, Stígamót — Education and Counselling Center for Survivors of Sexual Abuse and Violence and Drekaslóð — several NGO's. Victims of violence are met with deep knowledge of the

circumstances and an understanding of the situation in a warm welcoming environment. In Bjarkarhlið there are facilities for the children while they wait for their adult supervisors. The Social Services of Reykjavik also use the house for counselling children that have witnessed domestic violence. Victims of THB are welcomed to seek for assistance at Bjarkarhlið as other victims of violence. In 2017, 316 survivors of violence have received assistance in Bjarkarhlið. 91% were women and 9% men. Most of the survivors are from Iceland or 281, 20 are from Europe and 15 outside of Europe. Most of the cases are regarding domestic violence cases, then sexual violence and physical violence in close relationships. Bjarkarhlið has seen some cases where THB is part of the violent experience that survivors seek help for. One had already been investigated in Italy and another had escaped from THB in Libya. We have had some cases where Icelandic women are working as sex workers or in prostitution often as a consequence of childhood sexual abuse. Bjarkarhlið has in a cooperation with the police and social service assisted women out of prostitution and been able to provide psychological support for those women. It is a priority in Bjarkarhlið to provide service to survivors of THB and provide them with support and treatment regarding the consequences of violence.

II. Issues raised in the concluding observations of the committee in 2008

A. General

56. In its concluding observations on Iceland's nineteenth and twentieth periodic reports submitted in a single document (CERD/C/ISL/20), the Committee again drew attention to the fact that the Convention had not been incorporated into Icelandic law (CERD/C/ISL/CO/19-20, para. 11):

> **The Committee reiterates the importance of incorporating all of the substantive provisions of the Convention into domestic law, with a view to ensuring comprehensive protection against racial discrimination. The Committee is encouraged by the Icelandic Coalition Government's policy document which states that ratified international human rights conventions shall be fully incorporated into the domestic legislation.**

57. In order to clarify the situation referred to above, it must be pointed out that Iceland follows the dualistic theory regarding the relationship between international and domestic law. According to the dualistic theory, international and domestic law constitute two separate systems, each of which applies in its respective area: international law between nations and domestic law within the state. Consequently, the principles of international law, including the provisions of international conventions, do not form a part of domestic law unless they have been specifically incorporated into domestic law in accordance with the Constitutional law of the relevant country. Nonetheless, Iceland is obliged, under international law, to ensure that domestic law is not at variance with the international conventions to which Iceland is a party.

58. Two principal methods are used to give international conventions the force of law in Iceland: (1) adaptation, which may involve the adaptation of an international convention to domestic law, or the adaptation of domestic law to the international convention, and (2) incorporation. The method most commonly used in Iceland is adaptation; the provisions of international conventions that may have, or are intended to have, effect in domestic law are transcribed in the form of general statutes, executive regulations or, as appropriate, constitutional acts, or Icelandic legislation is amended in such a way as to be compatible with the undertakings involved in the international agreement. The European Convention on Human Rights and the Convention on the Rights of the Child are the only two international human rights agreement that have been incorporated in Iceland in its entirety, the European Convention on Human Rights Act, No. 62/1994 and the UN Convention on the Rights of the Child Act, No. 19/2013.

59. On March 13, 2013 the Convention on the Rights of the Child was incorporated into Icelandic law with Act No. 19/2013. The Convention was signed by Iceland on January 26, 1990 and ratified on October 28, 1992. With Article 2 of Act No. 19/2013, the rights and freedoms listed in the Convention are guaranteed to all children within the country's jurisdiction, without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

60. Even though most of the international agreements to which Iceland is a party have not been incorporated directly into Icelandic law, they nevertheless have substantial influence on Icelandic legislation and the application of the law. The general principle in Icelandic law is that provisions in domestic law are to be interpreted in accordance with the principles of international law. In Icelandic judicial practice this principle of interpretation has been applied not only to general legislation and executive regulations, but also to the provisions of the Icelandic Constitution.

61. Icelandic courts have gone to considerable lengths to construe the provisions of Icelandic law and the Constitution in accordance with international human rights agreements. Before the European Convention on Human Rights was incorporated in Icelandic law, there were some examples of conflicts between domestic law and the provisions of the Convention in cases before Icelandic courts. In such cases, judicial procedure evolved in such a way that efforts were made to interpret Icelandic legal provisions in conformity with the Convention as far as possible. An example of this was the judgement by the Supreme Court of 6 February 1992 in Case No. 494/1991, which was delivered before the incorporation of the Convention; in this judgement, the court completely set aside an enacted provision of Icelandic law that was not compatible with the Convention.

62. The constitutional amendments of 1995 were largely inspired by, and to a great extent reflect, the provisions of the United Nations human rights instruments and those of the European Convention on Human Rights. Thus, the influence of these conventions on the application of Icelandic law has increased significantly. The legal protection of human rights in Iceland was enhanced considerably as a result of the constitutional amendments. The courts have applied the constitutional provisions on human rights in a large number of cases in Iceland and have tested whether executive and legislative actions have been compatible with these provisions. Legislation conflicting with the human rights provisions of the Constitution will not be applied by the Icelandic judiciary.

63. Reference has been made to international human rights conventions in a large number of judgements delivered in Iceland, in which the provisions of such conventions have been applied in conjunction with the provisions of the Constitution.

64. In light of the foregoing, the Government considers that even though the Convention on the Elimination of All Forms of Racial Discrimination has not been incorporated in Icelandic legislation, the legal protection resulting from its provisions is nevertheless guaranteed in practice in Iceland. At present, the Government has not decided to incorporate other international conventions than the European Convention on Human Rights and the Convention on the Rights of the Child into domestic law.

B. Concluding observation relating to Articles 2 and 5

65. The Committee notes that although the State party has adopted several legislative acts aimed at ensuring equality of individuals and preventing certain manifestations of racial discrimination, it still lacks a comprehensive anti-discrimination legislation to protect all rights expressly set forth in Articles 2 and 5 of the Convention (CERD/C/ISL/CO/19-20, para. 12):

> **The Committee urges the State party to consider adopting a comprehensive anti-discrimination legislation, addressing all manifestations of racism, racial discrimination, xenophobia and related intolerance in all spheres of life, and**

providing, inter alia, for effective remedies in civil and administrative proceedings.

66. As stated in paragraphs 4 and 5, Article 65 of the Constitution states that everyone is equal before the law and is to enjoy human rights irrespective of gender, religion, opinion, ethnic origin, race, colour, property, family origins or other status. All laws and regulations are to be construed in accordance with this provision. Moreover, various legal provisions prohibit discrimination, such as regarding gender equality, the right to health services, the rights of persons with disabilities, etc. Mention is also made of several other Articles intended to ensure the equality of individuals and to prevent racial discrimination in Iceland, e.g. Article 11 of the Administrative Procedure Act, No. 37/1993 and Article 1 (2) of the Patients' Rights Act, No. 74/1997.

67. In addition to the provisions listed above, reference should be made to two provisions of the General Penal Code No. 19/1940 which are intended to provide protection against racial discrimination. Under Article 180 of the Code it is a punishable offence to deny a person goods or services or access to any public area or place intended for public use on the grounds of the person's nationality, colour, race, religion or sexual orientation. Furthermore, it is a punishable offence under Article 233 (a) of the Code to attack a person, or a group of persons, in public with mockery, slander, insult, threat or in another manner on the basis of their nationality, colour, race, religion, sexual orientation or gender identity. In light of these provisions, it is clear that Iceland has enacted laws in various areas with the intention of preventing racial discrimination.

68. As has already been mentioned above, the Ministry of Welfare prepared two bills regarding equal treatment in employment and equal treatment regardless of race or ethnic origin. The bills are intended to implement two EU directives, that is EU directives 2000/43/EC and 2000/78/EC on these matters. These two directives do not apply within the EFTA states; however, the EFTA states have taken part in the EU's programme of action involving the prohibition of discrimination under Article 78 of the EEA Agreement, which authorises the EFTA states to participate in measures taken by the EU concerning social issues. Furthermore, the EFTA states have declared that they intend to adapt their legislation to bring it into line with these directives. The bills have now been passed by Alþingi and will enter into force 1 September 2018.

69. As has been previously mentioned, Comprehensive parliamentary resolution on immigrant issues, was approved by Alþingi in the spring of 2016. The resolution dictates a policy on immigrants in the years 2016–2019, which aims to further help immigrants to fully participate in the Icelandic society and give special attention to the needs and protection, as well as promoting equal opportunities for immigrants.

70. It is also worth noting that Article 24 (2) of Act No. 91/2008 about Elementary-Schools states that the curriculum and the organization of studying and teaching and in the preparation and selection of teaching materials there shall be taken a special care of all students having equal opportunities to study and that they will be given the opportunity to choose their own subjects and approaches to their studies. According to paragraph 3 the purpose of learning and teaching and practices in elementary schools should be to prevent discrimination on grounds of origin, sex, sexual orientation, residence, class, religion, health, disability or otherwise. Another example of additional legal provisions which are intended to promote equal treatment in the society are Article 6 in Act No. 19/2002 regarding Postal Service, which states that the Icelandic government should guarantee all citizens equal rights to access to certain aspects of postal services, universal service, with a certain quality and affordable. It is also stated in the provision that the postal and telecommunication services shall ensure that the service will be provided without discrimination of any kind, but especially without discrimination of political, religious or ideological nature. Other Articles intended to ensure equality are Article 24 of Act No. 10/2008 of equal status and equal rights for women and men; Article 1 of Act No. 59/1992 concerning issues regarding disabled persons, Article 1 of Act No. 125/1999 concerning issues regarding Senior Citizens and Act No. 65/2006 amending the legal status of couples in same-sex relationships (cohabitation, adoption, artificial insemination).

71. In the light of the above, instead of adopting comprehensive legislation against racial discrimination, Iceland has sought to tackle the problem by enacting legal provisions banning discrimination and by general and specific measures in various fields so as to guarantee and improve the position of foreign nationals in Iceland. Hitherto, is has not been considered necessary to enact a comprehensive legislation against racial discrimination in Iceland.

C. Concluding observation relating to Articles 2 and 6

72. The Committee notes with regret that the State party has not yet established a national human rights institution with a broad mandate to promote and protect human rights, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles, General Assembly resolution 48/134, annex) (CERD/C/ISL/CO/19-20, para. 13).

The Committee reiterates its previous recommendation that the State party consider the establishment of an independent national human rights institution, with a broad mandate to promote and protect human rights, in accordance with the Paris Principles. The Committee also encourages the State party to invest such an institution with the powers as laid down in Article 14, paragraph 2 of the Convention.

73. In September 2016 the Minister of Interior gave a comprehensive report to Alþingi on the status of Human Rights in Iceland. The report gave account to the international human rights obligations that Iceland has submitted to and how these obligations affect Icelandic legislation. The aim of this report was to encourage the development of human rights and to provide a basis for any further work regarding the protection of human rights in Iceland. Based on this report, the Ministry of Justice established a steering committee on human rights in the spring of 2017, with representatives from all the ministries.

74. Various NGO´s contribute greatly to the protection and promotion of human rights in the country and provide the authorities with critical and constructive criticism. The Icelandic Human Rights Centre (ICEHR) has assumed some of the functions of a national human rights institution, though not established by statute. Since 2008, the Centre has received funding on a regular basis from the Government. In 2014 the Centre and the Ministry of Interior (now Ministry of Justice) signed an agreement to establish a funding framework for the next four years. This will strengthen the foundation of the organization as it will make it possible for the Centre to make clearer long-term programmes based on its more secure operational environment. The agreement stipulates that the ICEHR shall operate in line with the Paris Principles. The Human Rights Institution of the University of Iceland has also played an important role in promoting human rights in an academic and social context in Iceland, partly funded by the Government. In addition, the Ministry of Justice supports various human rights groups and projects with funding every year.

75. Iceland is in the process of establishing a new independent human rights institution, based on the Paris Principles. While the Icelandic Human Rights Center has assumed the functions of a national human rights institution, it does not comply with the Paris Principles, mainly because it was not established by law. A new legislation about an independent human rights institution will most likely be introduced in 2019.

D. Concluding observation relating to Articles 4 and 7

76. The Committee notes that the number of foreign nationals living in the State party has increased substantially over the past few years (from 3.6 per cent of the total population in 2005 to 7.6 per cent in 2009). In this light, the Committee notes with concern that nearly 700, mostly young, people had registered in the online "Society against Polish people in Iceland" (CERD/C/ISL/CO/19-20, para. 14).

While commending the State authorities for having acted decisively to close down the site, the Committee urges the State party, in line with its general

recommendation No. 30 (2004) on discrimination against non-citizens, to continue to maintain its vigilance against acts of racism, including hate speech on the internet, which often erupts in times of economic hardship. It recommends that efforts to prevent and combat prejudices and to promote understanding and tolerance in all spheres of life be continued, aimed particularly at young people and the media. The Committee also recommends that the State party further strengthen the provision of human rights education in schools, including adequate reflection in standard school curricula and training of teachers.

77. Despite the high level of happiness and well-being in Iceland, hate-speech is rather easily found on Icelandic websites, especially where it is possible for the public to leave comments on news and Articles in the media. Hate-speech in Iceland involves amongst others xenophobia, sexism and misogynism, especially towards feminists, homophobia and prejudice against religions, especially Muslims. A recent survey has indicated that online hate speech has been increasing. Iceland participates in the Council of Europe's No Hate Speech movement, which is a campaign for human rights of young people online. The project stands for equality, dignity, human rights and diversity and works to fight against hate speech, racism and discrimination in their online expression.

78. Article 233 (a) of the Icelandic Penal Code provides for the imposition of a fine or up to two years' imprisonment to any person who attacks a person or a group of persons, in public with mockery, slander, insult, threat or in another manner on the basis of their nationality, colour, race, religion, sexual orientation or gender identity. In December 2017, the Supreme Court of Iceland found two men guilty of hate speech in accordance with Article 233 (a) of the Penal Code, as they had publicly used degrading language when discussing LGBT Education in Schools.

79. The Ministry of Education, Science and Culture has a contract with the Icelandic Centre for Safer Internet (SAFT) to coordinate the project in wide cooperation with youth councils and various NGO's in the youth sector. The goal of the project is mainly raising awareness, to reduce the levels of acceptance of online hate speech and to support young people in standing up for human rights, online and offline. The working methods are awareness raising, advocacy and a search for creative solutions. The project equips young people and youth organisations with the competencies necessary to recognize and act against such human rights violations. Furthermore, the Human Rights Office and SAFT have published and promoted material on identifying hate speech, international legal provisions on this matter and the situation in Iceland. As mentioned earlier, Article 24 of the compulsory School Act No. 91/2008 provides that in issuing a general curriculum and organising studies and tuition, and in preparing and selecting study material, special care is to be taken that all students receive equal opportunities for study. The objectives of study, tuition and practices in compulsory schools are to be defined so as to prevent any discrimination on account of origin, gender, sexual orientation, residence, social class, religion, disability or other status. In general curriculum for compulsory schools in Iceland it is specifically stated that the six basic aspects of the education Policy in Iceland are literacy, sustainability, health and welfare, democracy and human rights, equality and creativity.

80. In the National Curriculum Guide for preschools, compulsory schools and upper secondary schools in Iceland published in 2011 it is specifically stated that the six fundamental pillars of the education Policy in Iceland are literacy, sustainability, health and welfare, democracy and human rights, equality and creativity. The fundamental pillars are interrelated and interdependent in education and school activities. They are based on the idea that literacy of the diverse symbolism and communication systems of society are prerequisites to active democracy, which can only flourish if every form of equality between individuals and groups in society is supported simultaneously. Human rights can only be ensured by supporting individual health and welfare and by fighting discrimination and every form of violence, including bullying. Education for democracy and human rights is based on critical thinking and reflection on the basic values of society and relies on cooperation with parties inside and outside the school. Thus, active cooperation is expected from the homes of children and youth concerning sports and youth work. Moreover, human

rights education in Iceland is an integrated, cross-curricular part of school culture and working methods, in accordance with the National Curriculum Guide, and features most prominently in social studies, Icelandic and foreign language education. Material from the Council of Europe has been translated and used in formal education, non-formal education and youth activities. The Charter on Education for Democratic Citizenship and Human Rights Education from the Council of Europe has been translated into Icelandic and disseminated to schools and various stakeholders as an important tool to guide human rights education at all levels as well as democratic citizenship.

81. In Iceland there are strong NGOs that are very active in defending minority rights, such as the National Queer Organization, Women of Multicultural ethnicity network in Iceland and various organisations guarding women's rights such as the Icelandic Women's Movement and more. It is of great importance that as many as possible in society participate in combating hate-speech, prejudice and discrimination. In Iceland hate-culture does not appear to be as deep-rooted as seems to be the case in many other countries where extremist groups exist and have gained much support and adherence in the recent years. The extremist groups that do exist are rather small, do not get much positive attention in society and did not get any representatives elected to parliament in the recent elections.

82. According to Article 27 in Act on Media No. 38/2011, Media outlets are prohibited from encouraging criminal activity. Moreover, they may not engage in direct incitement of hatred on grounds of race, sex, sexual orientation, religious belief, nationality, cultural, opinion economic or social situation or other standing in society. The legal framework, and thus the ban on hate speech applies to all media in Iceland, and is monitored by an independent regulatory body, the Media Commission. Violations by the media are investigated by the police following the lodging of a complaint by the Media Commission or, as appropriate, the Post and Telecom Administration and the editor, an employee or the director of the media service may be subjected to a fine or to the maximum imprisonment of six months.

E. Concluding observation relating to Articles 5 (a), (b), and (f); and 6

83. The Committee notes that, since 2004, two cases involving allegations of racial discrimination were brought to the attention of the liaison officer between the police and people of foreign origin in Reykjavik, but that in neither case the parties involved wished to take further action. The Committee also notes that since the State party's last periodic report no complaints were received regarding alleged violations of Article 180 of the General Penal Code (denial of access to goods, services or public places). Also, four cases concerning alleged violations of Article 233 (a) of the same Code (discriminatory acts) were filed, but all were dismissed owing to insufficient evidence (CERD/C/ISL/CO/19-20, para. 15).

The Committee recommends that measures be taken to raise awareness among people of foreign origin about their rights, inform victims of all remedies available to them, facilitate their access to justice, and train judges, lawyers, and law enforcement personnel accordingly. Recalling its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recommends that the State party verify in all cases the reasons why parties do not wish to take further action. The Committee reiterates its previous recommendation (CERD/C/ISL/18, para.14) that the State party shift the burden of proof to the respondent in proceedings involving denial of access to public places, as also reflected in general recommendation No.3 0 (2004) on discrimination against non-citizens.

84. In the aforementioned action plan, see for example in Chapter I.E, on the matters of immigrants between the years 2016 and 2019 the aim is to improve and enhance democratic participation of immigrants, cooperation of associations and interest groups of immigrants, their impact on their interests and participation in politics by holding seminars for immigrants. According to the action plan, a preparatory committee is to hold two seminars

between 2016 and 2019, to promote increased cooperation of social interest groups of immigrants in all regions of Iceland and to strengthening their democratic organizations. It is planned to set up collaborative teams of key institutions involved in registration of foreign nationals. Thus, to promote cooperation of those involved in the registration for simplification for the immigrants.

85. The authorities are actively fighting intolerance and prejudice in society, including through the appointment of a designated hate crime police officer at the Metropolitan Police of Reykjavik. The police have also focused on efforts to fight hate speech, investigating several cases and working closely with Civil Society.

86. Moreover, data specialists at the Metropolitan Police are also involved in this project with the aim to improve data collection on hate crimes Iceland is committed to the fight against hate crimes and is currently cooperating with the Organization of Security and Co-operation in Europe (OSCE) — Office for Democratic Institutions and Human Rights (ODIHR) to that end. The Icelandic Government and ODIHR have made an agreement on the training of police officers and prosecutors in Iceland for hate crimes. Minister of Justice, the Public Prosecutor and the National Commissioner of Police also signed the agreement. This means that the ODIHR teaches customized course in Iceland for instructors from among the Icelandic police officers and prosecutors. Those who receive this training are meant to educate other law enforcement officers and prosecutors. At the same time, the aim is to make this education a solid part of the education and retraining of police officers and prosecutors. The project focuses on training police officers in the investigation of hate crimes as well as on training prosecutors. A National Implementation Group is being established with representatives from the relevant ministries, the police and prosecution authorities and the Icelandic Human Rights Office. The goal of these efforts is to lay the groundwork for placing greater emphasis on prosecution in cases of hate speech and giving the police and prosecution a clear mandate to ensure that these crimes are not tolerated.

F. Concluding observation relating to Article 5 (b)

87. The Committee notes that approximately 40 per cent of women staying at the women's shelter in Reykjavik are immigrant women. It notes that in May 2008, the State party amended the immigration law to permit individuals from countries outside the European Economic Area to retain their residence permits upon divorce from Icelandic-born spouses in circumstances where abuse or violence was perpetrated on the foreign spouse or the spouse's child (CERD/C/ISL/CO/19-20, para. 16).

The Committee recommends that the State party study the factors leading to a high proportion of immigrant women staying in the women's shelter. The Committee further recommends that the State party implement a comprehensive awareness-raising programme on the legislative changes directed at immigrant women throughout the country.

88. According to the action plan on immigrant issues Iceland for the years 2016–2019, the aim is to promote the support network of immigrant women who have lived with domestic violence and increase prevention measures with the aim of reducing violence at home and its consequences. The intention is to create a work group to provide an educational program and workshops for immigrant women living with social difficulties and a small support network. The measure is the number of women participating in the seminar or that have received education through other ways. The target groups of this project are women who have stayed in the women's shelter and other women of foreign origin who have suffered violence at home.

89. In the action plan it is stated that the aim is to fight against violence against immigrants and among them. A working group will be established to draft a research on violence against immigrants and among them in Iceland. The working group evaluates researches that have been done on the subject. The aim is to find clear research results that show what needs to be done to reduce violence against immigrants.

90. The annual report of the Women's Shelter from 2015 states that women from 38 countries had stayed at the shelter and it is believed that this can be attributed to the fact that foreign women have less family and friends in the country, less support network than the Icelandic women and therefore have fewer houses to get protection in if they have been subject to domestic violence. The high percentage of immigrant women staying at the shelter does therefore not necessarily mean that immigrant women suffer more violence in intimate relationships.

91. In the annual report of the Women's Shelter from 2017 it is stated that 68% of women using the services of the shelter were Icelandic, 19% of the women came from other countries within the Europe and 13% from countries outside of Europe. According to a study conducted by the head of the Women's Shelter on the situation of immigrant women who seek the shelter, there is a great difference in experience and situation of the women by geographic origin because of the regulation on free movement of workers within the European Economic Area (EEA). The position of women from countries within the EEA are in some ways easier than the position of other women that are often dependent on their spouses for an Icelandic working permit.

Table 3
Women staying in the Women's shelter in the years 2012–2017 by origin

	2017	*2016*	*2015*	*2014*	*2013*	*2012*
Iceland	68%	69%	73%	68%	68%	66%
Europe	19%	14%	11%	14%	16%	17%
Outside of Europe	13%	17%	16%	18%	16%	17%

92. The provisions in the penal code regarding domestic violence, rape and other forms of violence apply equally to immigrants as people with Icelandic citizenship. No specific measures have been taken to change this. Nevertheless, concerns have been raised that foreign women coming to Iceland based on a family formation by marriage may in some instances be in a vulnerable position and possibly stay in violent relationships for the statutory period to apply for a residence permit. Article 70, paragraph 9 (b) of the Act on Foreigners No. 80/2016 states that if a foreigner, who had a resident permit on the grounds of marriage or cohabitation, is a victim of domestic violence, it can be a special ground for prolonging the validity of a residence permit.

93. A pamphlet "Your rights, important information for foreign women in Iceland" was published in 2014 by the Center for Gender Equality and sponsored by the Progress programme of the European Union and Development fund for immigration issues. The text is prepared by Stigamót (Education and Survivors Center for Survivors of Sexual Abuse and Violence) in cooperation with Center for Gender Equality, The Icelandic Human Rights Center, The Ministry of Welfare, The Directorate of Immigration, the Metropolitan Police and other organizations. The pamphlet contains information regarding the Icelandic justice system and Icelandic society. It addresses issues concerning trafficking in human beings, divorce, custody issues and violence and threats in intimate relationships. It also contains references to further information for assistance as addresses and telephone numbers and websites for various institution and organizations.

94. Small cards have been published where numbers of the rape trauma service center, Women´s Shelter, Emergency line, Red Cross and Counselling Centre for Survivors of Sexual Abuse are listed. The cards are in five languages and have been distributed in various places such as hotels and healthcare centers. The Ministry of Welfare supported a joint project of the Woman of Multicultural Ethnicity Network in Iceland and the Reykjavik City Library called the Women's Story Circle. The project's main purpose is connecting women through stories and creativity.

G. Concluding observation relating to Article 5 (d) (iv)

95. The Committee notes with satisfaction that Act No. 86/2008, amending the Act on Foreigners No. 96/2002, removed the requirement that a foreign spouse or partner in cohabitation or registered partnership of a person lawfully staying in the State party must be 24 years of age or older to obtain a permit to stay as a family member. It notes with concern, however, that Article 13(3) of the Act on Foreigners stipulates that in all cases in which either spouse is aged 24 years or younger, a special investigation shall be made as to whether a sham or forced marriage might be involved (CERD/C/ISL/CO/19-20, para. 17).

The Committee recommends that an investigation should only take place if there is a well-founded reason to believe that marriage or registered partnership has not been entered into willingly by both partners and recalls the importance of Article 5 (d) (iv) of the Convention in this regard.

96. The new Act on Foreigners came into force on 1st January 2017. The Act contains a provision regarding residence permits because of marriage or cohabitation. The Icelandic authorities can refuse a permit if it can be proved that the marriage has been established for other purposes than to establish cohabitation, for example to obtain a residence permit, i.e. the sole purpose of the marriage is to gain residence permit. In assessing whether the marriage is a marriage of convenience or not, authorities need to consider a few things, inter alia whether the couple have lived together before the marriage, age difference between the couple, whether they speak each other's language, if the couple is familiar with specific factors or events from each other's life and marital history of the partners and whether it suspicious or not. When the circumstances are considered it must be taken into account that there can be differences between cultures concerning traditions and anticipation towards marriage and marital couples' knowledge of each other at the beginning of their marriage. The provisions leave no doubt that if a marriage violates the public policy and the principles of Icelandic laws it's not a valid instrument case and therefore a residence permit is not to be given.

97. In the preparatory work it is nevertheless emphasized that it is important that an independent investigation takes place if there are visible power discrepancies between the couple. The discrepancies can cause a conflict among the couple for example if there is a great age difference between the parties, such as 10 years or more, especially if the resident whose residence permit is limited to is the older one. The age alone does not indicate whether the marriage is a sham. If the couple is at the same age for example and it's likely that there is equality among both partners, there is no reason to make an independent investigation of whether it is a sham marriage. However, it may be required that an independent investigation will take place on the marriage of couples of different ages but there is no longer any specific statutory age like it was in Act. No. 96/2002. Investigation will now only take place if there is a well-established reason to believe that the marriage or registered partnership has not been entered into willingly by both partners.

H. Concluding observation relating to Article 5 (e) (i)

98. While welcoming the 2008 amendments to the Foreign Nationals' Right to Work Act, No. 97/2002, regulating that temporary work permits are issued in the name of the foreign worker, the Committee is concerned, however, that issuing the permit to be valid for employment with a specific employer will increase the vulnerability of the foreign worker, especially as foreigners make up a disproportionate percentage of the unemployed (CERD/C/ISL/CO/19-20, para. 18).

The Committee recalls its general recommendation No. 30 (2004) on discrimination against non-citizens and urges the State party to grant foreign workers treatment not less favorable than that which applies to nationals of the State party in respect of working conditions, restrictions and requirements. The Committee recommends that the temporary work permits be issued for a specific type of work/remunerated activity and a specific time, rather than with a specific employer. The Committee further recommends that the right to

appeal against decisions by the Directorate of Labour on applications for temporary permits or revocations of such permits also be accorded to the employee alone, rather than requiring the joint signature of both the employer and employee.

99. Under Article 7 of the Foreign Nationals' Right to Work Act, No. 97/2002, temporary work permits are issued to an employer in order to employ foreign workers. The rationale for having the work permits held by the employer is that this places the employer under certain obligations and gives him certain responsibilities towards the foreign worker. The conditions for being able to grant a temporary work permit include the existence of a signed employment contract for a specific period or a specific project, guaranteeing the employee wages and other terms of service on par with those enjoyed by domestic workers. The employer is also obliged to take out health insurance for the foreign worker until the worker is covered by the national system under the Social Security Act, No. 100/2007. In addition, the employer guarantees to pay the cost of transporting the worker to his home country at the end of the employment period if the worker is unfit for work in the long term due to illness or as a result of an accident, and also in the event of termination of the employment contract for which the worker is not responsible.

100. When the Act on Foreigners No. 80/2016, entered into force on January 1, 2017 the Foreign Nationals' Right to Work Act, No. 97/2002 was also altered. The definition of "employer" in the legislation was expanded. According to Article 3 of the Foreign Nationals' Right to Work Act, No. 97/2002 "employer" means a self-employed individual, an enterprise or a company, including institution, non-profit organization or other party operating a business in Iceland, irrespective of the operational form or ownership of the enterprise. According to the current law, employers still apply for work permits, but they submit the application in the name of the foreign worker involved. This way the employer automatically becomes an "agent" of the foreign worker.

101. The rationale behind this arrangement is that it makes it easier for the authorities and the trade unions to monitor and ensure that foreign workers are not treated unfairly in the domestic labour market, since the employer named in the permit is obliged to ensure compliance with current laws and collective agreements. The Directorate of Labour and the trade unions have enjoyed a smooth and close collaboration in defending the rights of foreign workers employed under temporary permits and assisting them where necessary, and it is envisaged that the comments of the relevant trade union will continue to be called for before the issuance of temporary work permits in cases of a shortage of labour and positions where specialist skills are required. This arrangement makes it easier for the trade unions to make contact with the foreign workers who come to work in Iceland and to inform them of their rights on the Icelandic labour market. In this connection, it should be mentioned that under Article 1 of the Workers' Terms of Employment and Obligatory Pension Insurance Act, No. 55/1980, the wages and other terms of employment agreed on in collective bargaining between the workers' and employers' federations are minimum terms, irrespective of gender, nationality or employment period, for all wage-earners in the relevant occupation in the area covered by the agreement. Agreements between individual workers and employers providing for lower wages or poorer terms are consequently invalid.

I. Concluding observation relating to Articles 2, para. 2; and 5 (e)

102. The Committee is concerned about reports of a disproportionately high dropout rate of students with immigrant background in upper secondary education (CERD/C/ISL/CO/19-20, para. 19).

The Committee encourages the State party to intensify its efforts to address and ameliorate the situation of students with immigrant background in secondary education in order to increase enrolment and school attendance and to avoid dropouts.

103. The Ministry of Education, Science and Culture released a White Paper on Education Reform in 2014. It spells out two main goals for the Icelandic education system: to increase attainment in reading and to increase the rate of on-time graduation. Several

actions are aimed at the education of students with an immigrant background, such as improving their acquisition of Icelandic as a second language, reducing early drop out from schools, improving the learning environment for their mother tongue or home language and to aim at active bilingualism. The Ministry of Education, Science and Culture is working on general guidelines for implementing this active bilingualism of pupils with immigrant background and another native language than Icelandic.

104. The White Paper proposes priorities and actions, establishing two strategic goals for 2018: 1) boosting reading literacy (in terms of reaching minimum reading standards) from 79% to 90%, with the complementary objective of reducing dropout in upper secondary education; and 2) increasing the graduation rate from 44% to 60%. To achieve the first goal, the White Paper proposes to strengthen learning of Icelandic at compulsory school level. It also proposes the development of reading proficiency standards for each level of compulsory education, and regular measurement of reading literacy from pre-school through compulsory school. All pre-primary schools and compulsory schools must adopt a literacy policy in line with the 2013 National Curriculum Guides and the school policy of each local community. To achieve the second goal, the White Paper proposes to rethink the duration of programmes, shortening studies that lead to final examinations, reducing dropout and restructuring VET. The document also encourages schools at all levels to strengthen teachers' professional development, increase collection of data and analysis of results, and use data as a basis for identifying and correcting specific issues.

105. According to the Act on Upper Secondary School no. 92/2008 all students have the right to suitable education in inclusive study environment. Schools must operate in a way that students feel safe and can use their talents at all times. Furthermore, it is stated in Article 34 that appropriate instruction and special pedagogic support shall be provided to students at upper secondary level with a disability and to students with emotional or social difficulties. Expert assistance shall be provided, and appropriate facilities made available as needed. Whenever possible, students with disabilities shall pursue their studies in the same venues as other students.

106. In the action plan on the matters of immigrants for 2016–2019 the focus is on the equal status and opportunities to education, and the assessment of the knowledge and experience of immigrants. Children and young persons whose native language is not Icelandic should have equal opportunities to education as other children and young people. The intention is to work systematically against dropout of immigrants from secondary education with support in all levels of education, inter alia with increased education in their native language. In addition, the goal is to improve the quality and availability of Icelandic education for immigrants so that the Icelandic language will be useful for individuals to actively participate in the society.

107. All educational assistance operations in the action plan aim, one way or another, to utilize educational and human assets of immigrants for the benefit of themselves and society as a whole. The aim is also to make it easy for immigrants to get their education evaluated so they can work where their knowledge and skills are best utilized.

108. Emphasis will be placed on the following factors for the development of society: Firstly, equality in education. Secondly, better services for immigrants. Thirdly, increased opportunities for immigrants to participate actively in the society and last but not least the assessment and utilization of the education of immigrants.

109. In the action plan the aim is to ensure that immigrants in kindergartens, primary and secondary schools have equal opportunity and equal facilities to education as other children and young people and to improve their academic performance and strengthen lessons in the Icelandic language. The work group goals were to inter alia, review the applicable law and regulations and the national curriculum, examine the structure and availability of Icelandic teaching at all levels and suggest ways to strengthen the education and coordination service if necessary. Furthermore, the action plan recommends measures to avoid dropout of students with immigrant background, especially in upper secondary education. The aim is to increase the number of students whose native language is not Icelandic to meet educational goals at the end of compulsory school, enrol in secondary schools and eventually to graduate. Secondary schools should provide appropriate learning

opportunities and effective support to students with immigrant background for this to happen. This will be a part of a general action for improved academic achievement in secondary schools. The plan is to screen regularly over the disappearance and dropout of immigrant students in secondary schools and in upper classes in compulsory schools. The aim is that by 2019 there will be no detectable difference in entry rates of students by their origins and that the educational progress in secondary schools will be the same regardless of the origin of the student. Finally, the aim is that the proportion of graduates of foreign origin will also increase and that it will be equal to other groups by 2019.

J. Final concluding observations

110. Additionally, in its concluding observations, the Committee encouraged Iceland to consider ratifying those international human rights treaties which it has not yet ratified, in particular treaties the provisions of which have a direct bearing on the subject of racial discrimination, such as the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

111. Iceland has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. A new steering group on human rights has been established and according to its mandate the group is to consider the international obligations of Iceland in regard to human rights, especially what international conventions Iceland should possibly ratify in the near future.

112. Iceland adopted the International Convention on the Rights of Persons with Disabilities on 30 March 2007. On 20 September 2016 Alþingi ratified the Convention. It should also be noted that on December 19, 2015 Alþingi approved to ratify the Optional Protocol to the International Convention against Torture and that is currently in progress. As has already been mentioned, the Convention on the Rights of the Child has been ratified and given the status of domestic law, i.e. Act No. 19/2013.

113. As previously mentioned, the Ministry of Justice has established a steering committee on human rights, with representatives from all the ministries. One of the main goals of this steering committee is to ensure an ongoing dialogue a cooperation with civil society in the area of human rights protection. The steering committee will for example regularly host open discussions on human rights issues with civil society.

III. Information regarding the implementation of Articles 2 to 7 of the Convention

A. Article 2

114. No legal or administrative provisions in Iceland condone racial discrimination. Such provisions would obviously be in violation of the constitutional principle of equality which has been examined earlier in this report. Consequently, Icelandic courts would ignore such provisions in their judgements. Furthermore, the Icelandic authorities have not instigated or supported measures involving racial discrimination.

115. The previously mentioned action plan on immigrant's issues for the years 2016–2019 aims to ensure equal opportunities for all citizens, regardless of individual characteristics and circumstances. Based on this action plan and the overall policy on immigrant's various measures have been taken to improve their position with regard welfare, health care, education, employment etc. The aim is to enable immigrants to enjoy the same opportunities as Icelandic nationals and to become active participants in the community.

B. Article 3

116. As mentioned in the last report submitted by Iceland, racial segregation and apartheid have not been practised in Iceland, and consequently there has not been considered reason to take special legal, judicial or administrative measures, or other measures, on the basis of this Article. All actions involving racial segregation and apartheid would be in violation of Article 65 of the Constitution.

C. Article 4

117. As has been mentioned above the General Penal Code contain provisions which are designed to provide protection against racial discrimination. Under Article 180 (1) of the General Penal Code any person who denies a person goods or services on the same basis as other people on the grounds of his or her nationality, colour, race, religion or sexual orientation is liable to a fine or up to six months' imprisonment. The same applies under Article 180 (2) to deny a person access to any public area or other places that are open to the public on the grounds mentioned above. As previously mentioned, Article 233 (a) provides for the imposition of a fine or up to two years' imprisonment to any person who attacks a person or a group of persons, in public with mockery, slander, insult, threat or in another manner on the basis of their nationality, colour, race, religion, sexual orientation or gender identity. In the light of these provisions, it is clear that Iceland has enacted laws in various areas with the intention of preventing racial discrimination. The aim of these provisions is to fulfil Iceland's obligations under the United Nations Convention on the Elimination of all Forms of Racial Discrimination.

118. Icelandic authorities do not react lightly when groups are attacked in public with threats on basis of their race and religion in the District Court of Reykjaness's judgement of January 2 2018 in Case. No. S-172/2017 a person was fined for violating Article 233 (a) of the General Penal Code.

119. According to Article 27 in Act on Media No. 38/2011. Media outlets are prohibited from encouraging criminal activity. Moreover, they may not engage in direct incitement of hatred on grounds of race, sex, sexual orientation, religious belief, nationality, cultural, opinion economic or social situation or other standing in society. The legal framework, and thus the ban on hate speech applies to all media in Iceland, and is monitored by an independent regulatory body, the Media Commission. Violations by the media are investigated by the police following the lodging of a complaint by the Media Commission or, as appropriate, the Post and Telecom Administration and the editor, an employee or the director of the media service may be subjected to a fine or to the maximum imprisonment of six months. It´s stated in chapter II.B in this report that Hate-speech is rather easily found on Icelandic websites. Hate-speech in Iceland involves amongst others xenophobia, but a recent survey has indicated that online hate speech has been increasing. Iceland participates in the Council of Europe´s No Hate Speech movement.

120. Under Article 74 of the Constitution, associations, including political associations and trade unions, may be formed without prior permission for any lawful purpose. Associations may not be dissolved by an administrative decision. The activities of an association found to be in furtherance of unlawful objectives may, however, be prohibited, in which case legal action shall be brought without undue delay for a judgement dissolving the association. Under this provision of the Constitution, associations must have lawful purposes in order to qualify for the protection offered by the provision. An association whose objective is to attack a group of people on the grounds of their nationality, colour, race or religion by means of ridicule, calumny, humiliation, threats or in another manner would be regarded as having an unlawful objective, since these actions are punishable under Article 233 (a) of the General Penal Code. No association has been dissolved by executive order in the past few decades and no case has been brought before the courts for the disbandment of an association with the purpose of attacking a group of persons on the grounds of their nationality, colour, race or religion.

121. Under the Data Protection Act No. 90/2018 data on origin, colour, race, political opinions and other beliefs is defined as sensitive and the processing of such data is prohibited except in accordance with a licence, which is subject to certain requirements.

D. Article 5

122. The rights defined in this Article of the Convention are guaranteed by law to all persons in Iceland's jurisdiction, irrespective of their race, colour, nationality or national origin. This protection follows from Article 65 of the Constitution and from individual provisions in general legislation which guarantee individual equality in Iceland and prohibit discrimination, as has been described above (see Chapter I.E).

123. As previously mentioned, two Acts ensuring equal treatment in employment and equal treatment regardless of race or ethnic origin were passed in parliament in June 2018 and will enter into force in September 2018. The aim of these Acts is to combat discrimination and ensure equal treatment of individuals in and outside the labour market, regardless of race, national origin, religion, philosophy, disability, occupational disability, age, sexual orientation or gender identity.

124. As stated in the previous report submitted by Iceland, immigrants have the same right to services and assistance, e.g. under the Social Security Act No. 100/2007, the Local Authorities' Social Services Act, No. 40/1991 and the Disabled Persons Act, No. 59/1992. The right to information is also protected, e.g. under Article 5 of the Patients' Rights Act No. 74/1997.

125. Article 6 of the Act on Extradition of Criminal Offenders and Other Assistance in Criminal Matters No. 13/1984 provides that a person shall not be extradited if there is an appreciable risk of being subjected to injustice or persecution which is directed against his life or freedom, or is otherwise of a serious nature, on account of his race, nationality, religion or political opinion, or on account of political conditions in other respects. Furthermore, Article 7 (b) of the Act on International Co-operation on Enforcement of Criminal Judgements, No. 56/1993, permits the denial of a request for the execution of a sentence if there is a reasonable ground to believe that the judgement was rendered, or heavier sanctions ordered on account of the sentenced person's race, nationality or political opinion.

126. The new Act on Foreigners legislation mentioned earlier seeks to clarify and simplify the conditions of residence permits and the rights of foreigners, for example regarding the right to work, and to be granted permanent residence permit. Special emphasis is put on the right of the child according to the Convention on the Rights of the Child and a special chapter on residence permits on the grounds of family reunification is introduced. The legislation makes significant changes that contribute to the harmonization of those legislations and policies relating to foreigners. This legislation is made from the bill mentioned in paragraphs 88–93 of the Iceland's last report. Further discussion on the Act can be found in chapter I.E.

E. Article 6

127. Individuals who consider that they have been discriminated against in Iceland on grounds of their ethnic origin, race or colour are able to refer their cases to the courts, the executive authorities and the Parliamentary Ombudsman. From 2011 The Ministry of Welfare has made an agreement with the Icelandic Human Rights Centre about free legal counselling for immigrants.

128. In the Parliamentary Ombudsman annual report from 2017 is stated that 3,8% of the cases concerned foreign nationals. It should be noted that in 2016 proportionally more complaints were received regarding issues of foreigners, than recent years. This increase is best seen by comparing complaints from the year 2015 and 2016 but in 2015 the Ombudsman only received one such complaint, while the complaints were 16 in the year 2016. It can be assumed that this development is in line with the increased amount of

applications of international protection in Iceland and the treatment of such issues by the government. These complaints concern, in particular, the individual resolutions and practices of Immigration and asylum appeals board in the handling of foreign nationals' applications for international protection or residence permits in Iceland. In the annual report it is also stated that the European Commission against Racism and Intolerance (ECRI) and the European Council on Racism and Carelessness hosted a seminar in Strasbourg for national institutions established to combat racism. The committee invited Ombudsman to send a representative which he did. The main topic of the seminar was the cancellation of discrimination and hate crimes. The Ombudsman for Children in Iceland has received several cases involving children of foreign origin; none of them involve racial discrimination against children.

F. Article 7

129. Under the second paragraph of Article 76 of the Constitution all persons are to be guaranteed by law the right to suitable general education and tuition. The right to education applies to all persons living in the jurisdiction of the Icelandic state.

130. The Government continues to place emphasis on education as a tool to increase equality and prevent racial discrimination. Two of six main aspects of the general curriculum of all school stages in Iceland is equality and democracy and human rights. The school system therefore aims to embrace diversity and ensure equal opportunities of all students. Several actions have been taken to improve the status of children with immigrant backgrounds, as discussed in chapter II.I.

131. The Icelandic Integration Development Fund has emphasized projects and research to combat ethnic discrimination and racism and strengthen NGOs working with immigrants. Furthermore, the Ministry of Welfare, in cooperation with the Integration Council, launched an awareness-raising television campaign, *Without prejudice*, on discrimination against immigrants. Other projects have been carried out by non-State actors, such as the Football Association and the Red Cross, with the aim to eliminate prejudice.

132. In the year 2016 an analysis was made of the position and attitude of refugees in Iceland. According to its results 50% of the refugees did understand Icelandic very well or well, 45% did not understand Icelandic well and 5% refugees did not speak Icelandic. However, everyone was interested in learning Icelandic. However, considerable growth has taken place in recent years in Icelandic language teaching and teaching on the Icelandic society for adult foreign nationals. Much development has taken place in teaching techniques and many experimental projects are under way, not least those involving teaching in the workplace. On the other hand, there is a shortage of specialised teachers who are able to teach Icelandic as a second language.

133. In the Compulsory School Act No 91/2008 is a special provision for children whose native language is not Icelandic and strengthens their legal position. Article 16 allows for the compulsory schools to prepare a special programme for the reception of pupils with other native languages, in accordance with the general curriculum. These pupils and their parents are also to be guaranteed counselling and access to information about the work of the compulsory schools. Parents whose native language is not Icelandic are to be informed of interpreting services where these are available. The explanatory notes accompanying the bill on the act specifically states that the aim is to enact in law the general policy that schools should be without discrimination and should make their services available to all children irrespective of their origin, language, health or disability. This is in accordance with the United Nations Salamanca Declaration and the policy that has been in force in Iceland in recent years. The aim of teaching is to be able to maintain active bilingualism on the part of these pupils, enabling them to pursue their studies and to play an active part in Icelandic society. In accordance with the Government's policy and the United Nations Convention on the Rights of the Child, the aim is that these pupils will be given the opportunity to maintain their mother-tongue skills in accordance with further decisions to be taken by the local authorities. On the other hand, special native language teaching is not required in law for all pupils, as it is not considered practicable to introduce this in all

languages. However, it is recognised as being desirable that pupils should receive the opportunity to cultivate their native language skills, e.g. as an elective subject or by distance learning, and to have this assessed as part of their compulsory school studies if the pupils themselves or their parents so request. The aim is also that secondary school pupils whose mother tongue is not Icelandic should have the opportunity to maintain proficiency in their native language, either by distance learning or in another manner. The Preschool Act No 90/2008 contain provisions that guarantees interpretation in the case of parents who are not native speakers of Icelandic.

134. The Multicultural and Information Centre has the fundamental role of facilitating communications between individuals of different backgrounds, and to enhance the services provided to foreign citizens residing in Iceland and to those interested in moving to Iceland. It offers assistance to those seeking information about daily life in Iceland, gives information about the administration and is of service to foreign citizens moving to or from Iceland. The Multicultural Centre offers assistance and counsel through phone and provides information online in eight different languages. Furthermore, the Intercultural Centre is a venue for all people regardless of their background, race or ethnic origin. The centre takes part in various projects aimed at improving immigrants' status, furthering multiculturalism, and ensuring equal treatment and opportunities for all.

135. Iceland strive to give immigrants a warm welcome and many local governments operate special reception programmes for this purpose. An important step to welcome immigrants is to prepare basic information in other languages. In the action plan concerning immigrants for the years 2016–2019, actions for municipalities to create a reception plan are stated. It is considered important that the reception plan holds information on services and is helpful for immigrants when they move to new country or move to another area in Iceland.

136. Various measures have been taken in Iceland, by both the Government and human rights organisations, to raise public awareness concerning human rights issues in Iceland. Iceland's reports on measures to give effect to the Convention and the concluding observations of the Committee on Iceland's reports will be published on the homepage of the Ministry of Justice. The Government's steering committee on human rights, with representatives from all the ministries, has the role to follow up on the implementation of the concluding observations.